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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,092	08/17/2000	Klaus Klemm	732/00018	4782

7590

02/14/2002

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EXAMINER

BAHTA, ABRAHAM

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/640,092

Applicant(s)

KLEMM ET AL.

Examiner

Abraham Bahta

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 and 13-17, drawn to an article, classified in class 428, subclass 68.
- II. Claims 12 drawn to a process, classified in class 264, subclass 46.6.

The inventions are distinct, each from the other because:

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by a materially different process such as laminating, nailing or attaching the components that make up the cover plate with adhesive.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Herbert Keil on 09/28/01 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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### *Specification*

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meir et al (SP 5,830,552).

Meir teaches a cover plate for household devices such as refrigerator or dishwashing machine (col. 7, lines 19-22) comprising a decorative part. See col. 5, lines 4-8. The reference teaches the cover plate reinforcer sections has two angled sections injection molded as a closed frame, whereof an outer frame with a long leg covers the cut faces of the core plate and projects over the underside thereof and with its other leg, engages over the top side, while the other, inner frame with its one leg engages on the inside of the long leg of the outer frame in its area projecting over the underside and, with its other leg, engages on the underside of the core plate and, after inserting the core plate in the outer frame, both frames are interconnected at their engaging legs. See col. 2, lines 6-17. Further, Meir teaches that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing. See col. 4, lines 54-59. In addition the reference teaches the core plate is provided an insulating plate made from another material with thermal and/or acoustic insulating properties, which is directly or indirectly connected to the cover plate and that this leads to a plate union, in which the top core plate has the junction of covering or working plate, i.e., it is constituted by a cut and scratch-proof material or has a coating with such properties, whereas the bottom insulating plate provides a thermal or acoustic insulation. The reference suggests that if such a plate union is used for a refrigerator, the insulation plate can, for example, replace the

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upper insulation normally fitted within the refrigerator casing. The core plate can be made from a wooden material and can be provided on its top surface with a cut and scratch-proof and optionally also decorative top or cover coating, whereas, the insulating plate can be made from a foamed plastic. See col. 4, line 60 - col. 5, line 8. The cover plate may be made from glass, plastic or metal. See col. 5, lines 42-53. Further, Meir teaches after inserting the core plate in the frame and which has a size greater than the cover plate, the strip is produced by partial filling of the gap between the strip and cut-faces and between the strip and the longer leg of the frame is provided a gap, which is bridged by individual ribs which mainly absorb compressive force. See col. 4, lines 33-44.

The reference does not specifically mention molded-on functional elements; however, since the reference at col. 4, lines 54-59 suggests that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to construct the necessary functional elements so that the product may be used as a as a household cover plate.

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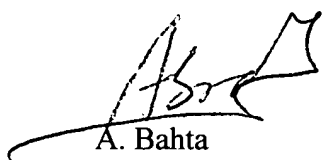
Regarding claims 8-10 and 13, since the product is intended mainly as a cover plate for kitchen appliances and has the necessary sections or profiles for fixing the plate to the kitchen appliance casing as suggested at col. 4, lines 54-59 it would have been obvious to one of ordinary skill in the art to include a dispenser box as a functional element, condensation box or an apparatus for a water duct.

Regarding claims 14-17, as discussed above, the cover plate of Meir intended for use as a household device cover plate and that the household device may be a dishwasher, or refrigerator.

Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412. The Examiner can normally be reached Monday-Friday from 9:30 AM -6:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta



DEBORAH JONES  
SUPERVISORY PATENT EXAMINER

02/06/02